

United States District Court
Eastern District of California

Herbert Owens,

Plaintiff,

vs.

Suzan Hubbard, et al.,

Defendants.

No. Civ. S 01-0127 FCD PAN P

Findings and Recommendations

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Plaintiff is a state prisoner without counsel prosecuting a civil rights action against prison officials.

February 20, 2004, the court directed plaintiff to submit information necessary to serve process upon defendant Nakagawa within 90 days, informing him that otherwise claims against this defendant would be dismissed pursuant to Fed. R. Civ. P. 4(m). Plaintiff did not respond.

Accordingly, the court hereby recommends claims against defendant Nakagawa be dismissed without prejudice for plaintiff's

1 failure timely to serve him with process. Fed. R. Civ. P. 4(m).

2 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
3 findings and recommendations are submitted to the United States
4 District Judge assigned to this case. Written objections may be
5 filed within 20 days of service of these findings and
6 recommendations. The document should be captioned "Objections to
7 Magistrate Judge's Findings and Recommendations." The district
8 judge may accept, reject, or modify these findings and
9 recommendations in whole or in part.

10 Dated: June 29, 2005.

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12 /s/ Peter A. Nowinski

13 PETER A. NOWINSKI

14 Magistrate Judge
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